

3/9/2009

## **Request for Qualifications: Environmental Management System Pilot Program Consultant**

### **A. Background**

This Request for Qualifications (RFQ) is designed to provide vendors with the information necessary for the preparation of qualifications. The RFQ process is for the Iowa Department of Natural Resources' (Department) benefit and is intended to provide the Department with competitive information to assist in the selection process.

It has been almost 20 years since Iowa's ground breaking solid waste and recycling laws were enacted. The state's current waste management policy has driven state and local programs that have produced numerous accomplishments. But in terms of meeting the state's waste reduction and recycling goals, the latest data indicates the state has hit a plateau and perhaps is even slipping. The trend of more recycling being counterbalanced by increases in waste generation and landfill amounts is seen at the state and national levels.

Every city and county in Iowa must provide for the establishment and operation of an integrated solid waste management program for reducing solid waste and ensuring proper waste disposal. Through a cooperative arrangement, local governments join together to form solid waste comprehensive planning areas (planning areas) responsible for the implementation and support of the integrated solid waste management program. This is accomplished through the formation of comprehensive solid waste management plans designed to serve as a blueprint for planning areas to achieve the state's waste volume reduction and recycling goals.

The challenges facing the current system start with the metric being used to evaluate environmental impacts from solid waste programs. The methodology compares a current year's landfill amount to a 1988 baseline for determining landfill diversion. It has served as a valid measurement but its accuracy has diminished over time by factors that can't be considered in the calculation. For example, it does not take into account the value of programs such as reducing the amount of toxic materials going into landfills. The methodology can also be perceived as a barrier to positive policy initiatives such as reducing illegal dumping or open burning of trash since these may cause an increase in current landfill tonnage.

While continuing to support and build upon current successful programs, the state has decided to transition its focus to one of resource management. This has been made possible through 2008 legislation HF2570 that calls for a continuous improvement process in which goals are dynamic and set by the planning areas to best protect the environment according to their needs and accomplishments.

The newly adopted legislation allows for a pilot project in which up to six existing planning areas may be designated as Environmental Management Systems (EMS). Additional planning areas may be added in the future. The EMS designation process creates an opportunity for planning areas to be judged by progress in their programs and services provided. A planning area designated as an EMS pilot will be able to set its own performance goals and measurements and will continue to have access to financial and technical assistance. Any planning area willing to work at improving all of the following areas is eligible to apply to be one of the initial planning areas to participate in the EMS Designation Program. These areas include: Yard Waste Management, Hazardous Household Waste Collection, Water Quality Improvement, Greenhouse Gas Reduction, Recycling Services and Environmental Education.

The legislation, HF2570, established the Solid Waste Alternatives Program Advisory Council (Council) to oversee these activities. The Council was charged with the task of crafting the framework of HF2570 into a working pilot program. As spelled out by HF2570, the Council includes nine members responsible for making recommendations for EMS designation and allocating funding provided in HF2570 to the Environmental Protection Committee (EPC). The Council also develops the requirements to apply and participate in the pilot project portion of the new initiative.

The selected service provider will act as an advisor to the Council and the six initial planning areas selected for EMS designation and help to establish the long-term effectiveness of the program through completion of the pilot project term.

## **B. Purpose**

The purpose of this RFQ is to solicit qualifications from qualified service providers to assist the Solid Waste Alternative Program Advisory Council in the implementation of the new Environmental Management System program for solid waste management planning areas or their designated landfill service areas. The selected provider will also agree to work directly and individually with each of the six initial project planning areas or their designated landfill service areas to achieve the stated purpose of the project. A detailed description and listing of expected outcomes is outlined further in the Desired Qualifications below.

The Department intends to issue a request for proposals to those firms prequalified by this RFQ.

## **C. Eligibility**

Any public or private group, individual or business with experience and expertise in providing solid waste resource management using continuous process improvement concepts is eligible.

The Council reserves the right to consider real or perceived conflicts of interest in their selection process. The firm(s) or individual(s) selected to provide these solid waste management services for the Department shall be free from Conflicts of Interest. Applicants must examine their interests and the individual interests of their agents, and determine if they are, potentially may be, or have the appearance of being, in conflict with the interests of the Department's solid waste management planning programs. It is the explicit responsibility of each applicant to identify any real or perceived conflicts that might arise if selected, and relate these conflicts in detail as part of their submittal.

Requests for qualifications, contracts, grants, purchases and all other financial arrangements are administered by the Department equally to all without regard to race, color, political affiliation, creed, sex, national origin, disability, age, or place of residence.

The Department seeks to provide opportunities for Targeted Small Businesses in the awarding of contracts. The Department is authorized to award contracts to Targeted Small Businesses under the provisions of the Iowa Targeted Small Business Procurement Act of 1986 and the Iowa Administrative Code.

#### D. Issuing Officer

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#### E. Desired Qualifications

Applicants, at a minimum, must provide documentation of their demonstrated ability and experience working with an advisory council or board on the following types of activities:

1. Acting as an advisor to the nine-member Solid Waste Alternatives Program Advisory Council.
2. Providing assistance to EMS pilot project participants as they evaluate their programs and identify activities to address the 10 "Elements of Environmental Management Systems" listed in Appendix B.
3. Participating in developing long-term processes for future EMS participants' use, using the ten "Elements of Environmental Management Systems" listed in Appendix B.
4. Developing a framework for use by all planning areas wanting to move toward a process of continuous improvement and resource management by becoming an EMS after the initial pilot project is complete.
5. Participating in developing an evaluation tool to be used by the Council as part of its annual process to review progress and determine EMS status.
6. Providing written summary and recommendations on the next course of action at the end of the project period.

#### F. Timeline

The following dates are set forth for informational and planning purposes; however, the Department reserves the right to change the dates.

- |   |                     |
|---|---------------------|
| 1. Issue RFQ                                  | 3/10/2009           |
| 2. Requests for Clarifications Due            | 3/30/2009           |
| 3. Responses to Clarifications Sent Out       | 4/03/2009           |
| 4. Closing Date for Receipt of Qualifications | 4/10/2009           |
| 5. Council Selects Prequalified Firms         | 4/20/2009           |
| 6. Notify Prequalified Firms                  | 4/20/2009 — 4/21/09 |
| 7. Council Issues RFP                         | 5/08/2009           |
| 8. Begin Contract (12-18 months)              | Fall 2009           |

#### G. Deadlines

The Department must receive qualifications at the Department office before 4:00 P.M., central time, April 10, 2009. **This is a mandatory requirement and will not be waived by the Department. Any qualifications received after this deadline will be rejected and returned unopened to the vendor.** Vendors mailing qualifications must allow ample mail delivery time to ensure timely receipt of their qualifications. It is the

vendor's responsibility to ensure that the qualifications are received prior to the deadline. Postmarking by the due date will not substitute for actual receipt of the qualifications. Electronic mail and faxed qualifications will be accepted.

The Department anticipates contractor qualification selection and notification to all applicants by the week of April 20, 2009.

#### **H. Qualification Criteria**

The Council will review and prequalify applications from the following factors:

<b>Factor</b>	<b>Points</b>
Documented relevant experience/expertise of the primary individual(s) involved in this project	35
Current client list and brief description of similar work in the area	20
Ability to perform the project after selection and the ability to act efficiently and autonomously	20
Identify qualifications for key personnel	25
<b>TOTAL</b>	<b>(maximum possible points) 100</b>

#### **I. Format for Submission**

One (1) original and one (1) electronic (PDF) copy of the qualifications shall be timely submitted to the Issuing Officer in the format specified in **Appendix A**. The format is purposely general. Qualification should address, at a minimum, each item in the Desired Qualifications, the factors in Section H, and any real or perceived conflicts of interest. The costs of preparation and delivery of the qualifications are solely the responsibility of the vendor.

#### **J. Rejection of Proposals & Variances**

The Council reserves the right to reject any or all of the qualifications submitted, in whole and in part, received in response to this RFQ at any time prior to the execution of a written contract. Issuance of this RFQ in no way constitutes a commitment by the Department to award a contract, and under no circumstance shall the lowest bidder be guaranteed a contract award through this review process.

The Council reserves the right to waive or permit cure of nonmaterial variances in the bid proposal if, in the judgment of the Council, it is in the Council's best interest to do so. Nonmaterial variances include minor informalities that do not affect responsiveness; that are merely a matter of form or format; that do not change the meaning or scope of the RFQ; or that do not reflect a material change in the services. In the event the Council waives or permits cure of nonmaterial variances, such waiver or cure will not modify the RFQ requirements or excuse the vendor from full compliance with the RFQ specifications or other contract requirements if the vendor is awarded the contract. The determination of materiality is in the sole discretion of the Council.

#### **K. Public Records and Request for Confidential Treatment**

The Department may treat all information submitted by a vendor as public information following the conclusion of the selection process unless the vendor properly requests that information be treated as confidential at the time of submitting the bid proposal. The Department's release of information is governed by Iowa Code chapter 22. Vendors are encouraged to familiarize themselves with chapter 22 before submitting a proposal. The Department will copy public records as required to comply with the public records laws.

Any request for confidential treatment of information must be included in the transmittal letter with the vendor's bid proposal. In addition, the vendor must enumerate the specific grounds in Iowa Code chapter 22 or other applicable law which support treatment of the material as confidential and explain why disclosure is not in the best interest of the public. The request for confidential treatment of information must also include the name, address, and telephone number of the person authorized by the vendor to respond to any inquiries by the Department concerning the confidential status of the materials.

Any bid proposal submitted which contains confidential information must be conspicuously marked on the outside as containing confidential information, and each page upon which confidential information appears must be conspicuously marked as containing confidential information. Identification of the entire bid proposal as confidential may be deemed non-responsive and disqualify the vendor.

If the vendor designates any portion of the <sup>qualifications</sup> ~~RFQ~~ as confidential, the vendor must submit one (1) copy of the <sup>qualifications</sup> ~~bid~~ proposal from which the confidential information has been excised. This excised copy is in addition to the number of copies requested in section 4 of this RFQ. The confidential material must be excised in such a way as to allow the public to determine the general nature of the material removed and to retain as much of the bid proposal as possible.

The Department will treat the information marked confidential as confidential information to the extent such information is determined confidential under Iowa Code Chapter 22 or other applicable law by a court of competent jurisdiction.

In the event the Department receives a request for information marked confidential, written notice shall be given to the vendor seven (7) calendar days prior to the release of the information to allow the vendor to seek injunctive relief pursuant to Section 22.8 of the Iowa Code. The vendor's failure to request confidential treatment of material will be deemed by the Department as a waiver of any right to confidentiality, which the vendor may have had.

#### **L. Restrictions on Communication**

From the issue date of this RFQ until announcement of the qualified vendors, vendors may contact only the Issuing Officer. Verbal questions related to the interpretation of this RFQ will not be accepted. Vendors may be disqualified if they contact any state employee or advisory council member other than the Issuing Officer on this issue.

Vendors are invited to submit written questions and requests for clarifications regarding the RFQ. Vendors may also submit suggestions for changes to the requirements of this RFQ. The questions, requests for clarifications or suggestions must be in writing and received by the Issuing Officer before 4:00 P.M., central time, March 30, 2009. If the questions, requests for clarifications, or suggestions pertain to a specific section of the RFQ, the page and section number(s) must be referenced.

Written responses to questions, requests for clarifications, or suggestions will be sent on or before April 3, 2009 to vendors who submitted qualifications. The Department's written responses will be considered part of the RFQ. If the Department decides to adopt a suggestion, the Department will issue an amendment to the RFQ and will post it online (<http://www.iowadnr.gov/waste/sw/swapac.html>).

*Keep "Withdrawal of Qualifications"*

**M. Amendment to the RFQ and Bid Proposal and Withdrawal of Bid Proposal**

The Department reserves the right to amend the RFQ at any time. The vendor shall acknowledge receipt of an amendment in its qualifications. If the amendment occurs after the closing date for receipt of qualifications, the Department may, in its sole discretion, allow vendors to amend their qualifications in response to the Department's amendment if necessary.

The vendor may amend its qualifications. The amendment must be in writing, signed by the vendor and received by time set for the receipt of qualifications. Electronic mail and faxed amendments will be accepted.

Vendors who submit qualifications in advance of the deadline may withdraw, modify, and resubmit qualifications at any time prior to the deadline for submitting qualifications. Vendors must notify the Issuing Officer in writing if they wish to withdraw their qualifications.

**N. Choice of Law and Forum**

This RFQ and the resulting decisions or documents are to be governed by the laws of the state of Iowa. Changes in applicable laws and rules may affect the process. Vendors are responsible for ascertaining pertinent legal requirements and restrictions. Any and all litigation or actions commenced in connection with this RFQ shall be brought in the appropriate Iowa forum.

## **Appendix A**

### **REQUEST FOR QUALIFICATIONS**

#### **Format for Submission**

One (1) original and one (1) electronic (PDF) copy of the qualifications proposal shall be submitted by 4:00 P.M. April 10, 2009. Proposals shall be double-sided and submitted on recycled-content paper with a minimum of 30% post-consumer recycled content and bound in the upper left-hand corner. Each proposal shall include:

1. Transmittal Letter – An individual authorized to legally bind the vendor shall sign the transmittal letter. The letter shall include the vendor's mailing address, electronic mail address, fax number, and telephone number.

Any request for confidential treatment of information shall be included in the transmittal letter in addition to the specific statutory basis supporting the request and an explanation why disclosure of the information is not in the best interest of the public.

2. Title of the proposal, submission date, organization name, address, telephone number of both the applicant and the primary contact person.
3. Information that demonstrates requisite experience and skills of those personnel anticipated to facilitate the project, and resources necessary to complete the activities required in this RFQ. No substitution of key personnel will be allowed.
4. Project team shall provide their understanding of the Department's needs and their proposed work plan/approach to this project. This shall include a thorough explanation of how your firm will complete all of the activities listed in the project. Merely repeating the requirements will be considered non-responsive and may disqualify the vendor. Subcontracting/co-sponsors must be described separately.
5. Firms should demonstrate overall management and project experience as reflected by the completion of similar projects. Provide reference documentation from up to four (4) past or present clients detailing contact information and their evaluation of your firm's performance or the performance of any sub-contractors.
6. A list by title of each addendum enclosed.

## Appendix B

### ELEMENTS OF ENVIRONMENTAL MANAGEMENT SYSTEMS

There are 3 main overarching elements.

1. **Environmental Policy Statement:** Statement by the organization of its intentions and principles in relation to its overall environmental performance which provides a framework for action and for the setting of its environmental objectives and targets, and its commitment to continual improvement through the EMS.
2. **Environmental Impacts:** The organization identifies and evaluates the actual or potential impacts to the environment, whether adverse or beneficial, from its activities, services and facilities. During the evaluation process, significant impacts to the environment are determined.
3. **Legal and other requirements:** The organization must identify the legal requirements for its operations and facilities, including relevant environmental laws, regulations and permits, and worker health and safety regulations, and have a process for tracking any changes in these requirements.

The following 7 elements would be applied to each of the 6 plan components (Yard Waste Management, Hazardous Household Waste Collection, Water Quality Improvement, Greenhouse Gas Reduction, Recycling Services, and Environmental Education):

1. **Objectives and Targets:** The organization establishes objectives relevant to its policy, environmental issues and impacts previously identified the views of interested parties, and other factors. Targets necessary for achieving the stated objectives are also established. A target is much more detailed than its objective and must be quantifiable.
2. **Action Plan:** Actions necessary to achieve the objectives and targets. The plan includes identifying the individuals and/or organizations responsible for carrying out specific tasks, timelines for completion of each step in the plan, and a schedule for periodically reviewing and updating, as conditions dictate, the objectives and targets.
3. **Identify key resources and additional needs:** As part of reviewing the draft of the action plan, conduct an inventory of key resources needed to carry out and complete the action plan. Resources may include fiscal matters, specific skills, facilities, partners and additional needs. Upon completion of the inventory the action plan may need to be adjusted accordingly.
4. **Communication/Training/Awareness:** Establish processes for internal and external communication. External communication will include reaching out to those groups and organizations that have been identified as having an interest, stake or role in the organization's ongoing EMS program. There must also be procedures for receiving and responding to relevant communication from external interested parties. Internal communication is directed to individuals, organizations and entities that have a role or responsibility within the action plan. Internal communication includes a process to ensure that all responsible parties are familiar with the EMS and have the training necessary to capably execute their roles.

- 5 ~~8~~. Monitoring and Measurement: A documented process for monitoring key activities and measuring performance related to the specific environmental objective and target.
- 6 ~~9~~. Assessment: The organization must have documented procedures for assessing the function of each component and its effectiveness of and conformance with the EMS plan. Assessment is the process of drawing conclusions from the performance measurements.
- 7 ~~10~~. Reevaluation and modification: The reevaluation and modification element is an activity that allows an organization to improve and strengthen the EMS on an ongoing basis. This element considers areas where the EMS has met, exceeded or failed to meet expectations. Identify root causes of those outcomes, and develop additional goals and activities appropriate to each. It's an opportunity to realize the organization's commitment to continuous improvement and should not be looked upon negatively ~~X~~

For more information please visit our website at: <http://www.iowadnr.gov/waste/sw/swapac.html>